

## RECORD OF PLAN CONFORMANCE AND CATEGORICAL EXCLUSION (CX) DETERMINATION

CX Log #: OR-014-CX-04-18 Lease or Serial #: N/A  
Project Name: Spencer Bridge (Section 1) Quarry Expansion  
Location: T.40 S., R.6 E., Sec. 1, N1/2NW1/4 County: Klamath County  
BLM Office: Lakeview District, Klamath Falls Resource Area Phone #: 541-883-6916  
Applicant: Oregon Department of Transportation  
Address: 63034 O.B.Riley Rd, Bend, OR 97701

### DESCRIPTION OF THE PROPOSED ACTION:

The Oregon Department of Transportation (ODOT) proposes to expand an existing rock source quarry site. The immediate need is for approximately 40,000 cubic yards for the Spencer Bridge replacement project scheduled for bid let in early in 2005. The site is located within a portion of the north half of the northwest quarter of Section 1 in Township 40 South, Range 6 East, Willamette Meridian approximately six miles west of Keno, Oregon. There is an existing gravel access road to the existing quarry site.

Past Bureau of Land Management (BLM) use of the existing quarry resulted in approximately 4.2 acres of disturbance (1.3 acres of a 20-25 foot deep pit, and a processing/stockpiling area disturbing another 2.9 acres). An estimated 9,000 to 10,000 yards of rock have been removed from the existing pit in the last 12 to 14 years, averaging less than 1,000 cubic yards a year. To meet the immediate need of ODOT for replacing the Spencer Bridge on State Highway 66 and to accommodate the average BLM use in the next five years, there is a need to expand the existing quarry site from 4.2 acres to 6.3 acres (2.1 acres of new disturbance) and remove approximately 45,000 cubic yards of material.

The proposed pit plan includes a project area that is mostly void of trees. There are approximately 50 trees between 4 and 20 inches dbh (diameter at breast height) along the southwest and southeast edges of the project area that will need to be removed. In addition, there is a small patch of trees on the interior of the loop at the end of the access road. These trees do not allow for safe operations within the project area, and thus as part of the project, but prior to actual pit development, these trees would be removed. Most all of these trees are already marked to be removed as part of the Chew Timber sale. Instead of waiting for the sale, the trees will be sold and removed in the fall of 2004. This will require a minor modification of the Chew sale but it will not affect the overall economics of the sale. This small number of trees will likely be removed under a negotiated timber sale with an existing operator in the area. The pit plan will display the location for trees to be decked prior to hauling and the location for slash material to be placed. Slash material will be burned after it dries sufficiently.

Road maintenance will be required to protect resources along the access road and to provide safe driving conditions for the equipment. ODOT's contract will include stipulations for assuring road maintenance standards are met. See also Appendix 1 for Project Design Features.

### PLAN CONFORMANCE

The above project has been reviewed and found to be in conformance with the following BLM plans or NEPA analyses.

***A. Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary (KFRA ROD/RMP/RPS), approved June 1995 (Page 61).***

*"Continue to use rock from existing quarries for construction and maintenance of timber sale access roads and other purposes"*

***B. Northwest Area Noxious Weed Control Program FEIS and ROD (1985) and Supplement (1987)***

***C. Integrated Weed Control Plan (IWCP) 1993***

***D. Lakeview District Fire Management Plan - Phase 1 (1998)***

## IDENTIFICATION OF EXCLUSION CATEGORY

The proposed action qualifies as a Categorical exclusion under **Bureau of Land Management Categorical Exclusion 516 DM 6, Appendix 5.4 F(10)** - “Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, and clay in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas”, **and C(2)** – “Sale and removal of individual trees or small groups of trees which are dead, diseased, injured, or which constitute a safety hazard, and where access for removal requires no more than maintenance to existing roads”.

## COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

The proposed action is categorically excluded from further analysis or documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM6. The proposed action has been reviewed - - none of the exceptions described in 516 DM 2, Appendix 2 (IM No. OR-2002-130) apply (see below).

Will the proposed action meet the following Exceptions?

<u>Exception</u>	<u>Yes</u> <u>No</u>
1. Have significant adverse effects on public health or safety?	( ) ( X )
2. Have adverse effects on such unique geographic characteristics or features, or on special designation areas such as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; sole or principal drinking water aquifers; prime farmlands; or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks. This also includes significant caves, ACECs, National Monuments, WSAs, RNAs.	( ) ( X )
3. Have highly controversial environmental effects (40 CFR 1508.14)?	( ) ( X )
4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks?	( ) ( X )
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	( ) ( X )
6. Be directly related to other actions with individually insignificant, but significant cumulative environmental effects? This includes connected actions on private lands (40 CFR 1508.7 and 1508.25(a)).	( ) ( X )
7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places? This includes Native American religious or cultural sites, archaeological sites, or historic properties.	( ) ( X )
8. Have adverse effects on species listed or proposed to be listed as Federally Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species? This includes impacts on BLM-designated sensitive species or their habitat. When a Federally listed species or its habitat is encountered, a Biological Evaluation (BE) shall document the effect on the species. The responsible official may proceed with the proposed action without preparing a NEPA document when the BE demonstrates either 1) a “no effect” determination or 2) a “may effect, not likely to adversely effect” determination.	( ) ( X )
9. Fail to comply with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act (water resource development projects only)?	( ) ( X )
10. Violate a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment, where non-Federal requirements are consistent with Federal requirements?	( ) ( X )
11. Involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)) not already decided in an approved land use plan?	( ) ( X )
12. Have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice)?	( ) ( X )

13. Restrict access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites; Executive Order 13007 (Indian Sacred Sites)?	( ) ( X )
14. Have significant adverse effect on Indian Trust Resources?	( ) ( X )
15. Contribute to the introduction, existence, or spread of: Federally listed noxious weeds (Federal Noxious Weed Control Act); or invasive non-native species; Executive Order 13112 (Invasive Species)?	( ) ( X )
16. Have a direct or indirect adverse impact on energy development, production, supply, and/or distribution; Executive Order 13212 (Actions to Expedite Energy-Related Projects)?	( ) ( X )

The proposed action would not create adverse environmental effects or meet any of the above exceptions.

## DOCUMENTATION OF RECOMMENDED MITIGATION

### Conservation and Mitigation Measures

Although none of the exceptions described above are met, the resources discussed are potentially affected. Conservation and mitigation measures below are applied to prevent adverse effects to those resources.

#	<u>Conservation and Mitigation Measures</u>
2	<p>The entire project area was inspected for <b>cultural resources</b> (Sowles 1997) and no archaeological or historical sites were found within the area identified for quarry expansion. However, if project activities result in the discovery of unknown cultural resources, all ground disturbing activities shall cease and the BLM's Klamath Falls Resource Area Archeologist and ODOT archaeologist shall be notified immediately. ODOT, the State Historic Preservation Office (SHPO), the Oregon State Museum of Anthropology (OSMA) and the BLM would work together within a framework of an established procedure to determine what steps to take to recover the data. Resumption of activities in that area will be allowed only after all mitigation fieldwork has been conducted.</p> <p>During construction, if human remains are found, the Oregon State Police, SHPO, OSMA, ODOT, and BLM would be contacted. If fossilized bones or other material of paleontological importance are found, OSMA would be notified for appropriate assessment, action and coordination with other state agencies.</p>
8	<p><b>Northern Spotted Owl</b> habitat is mapped immediately east of the project area but no nesting occurs in the area.</p> <p>An <b>osprey nest</b> is located less than a quarter mile north of the developed portion of the quarry site. This nest has been there for five or six years and has been active for the last three years.</p> <p>One year of <b>Northern Goshawk</b> surveys were completed in 2003. Two years of surveys for Great Grey Owl were completed (2003 and 2004). Neither species was located.</p> <ul style="list-style-type: none"> <li>• There are no restrictions for Northern Spotted Owl habitat</li> <li>• There are no restrictions for Great Grey Owl habitat</li> <li>• There are no restrictions for Northern Goshawk</li> <li>• In order to avoid adverse impacts to this pair of ospreys, and if the nest is still occupied, blasting will be prohibited between May 1 and August 31. All possible attempts will be made to conduct required blasting prior to April 15<sup>th</sup> or after August 31.</li> <li>• The stand of trees between the quarry and the known osprey nest will be left intact in order to keep the quarry out of direct line of sight from the nest.</li> <li>• A monitoring plan will be developed by ODOT's Biologist in cooperation with the BLM that will include observation during required blasting and periodically throughout construction.</li> </ul>

15	<p>The <b>noxious weed</b> St. Johnswort (<i>Hypericum perforatum</i>) was observed throughout the riparian area that lies approximately 0.15 mile outside and west of the proposed quarry expansion area. There is also potential for the noxious weeds diffuse knapweed (<i>Centaurea diffusa</i>) and dyers woad (<i>Isatis tinctoria</i>) in the project area. In order to avoid the introduction or spreading of noxious weeds the following actions will be implemented:</p> <ul style="list-style-type: none"> <li>▪ All vehicles and equipment will be cleaned prior to operating on BLM lands and prior to leaving the project site. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.</li> <li>▪ Noxious weeds within the area to be disturbed shall be mowed to ground level by the contractor prior to the start of project activities.</li> <li>▪ All seed sources used in the action area will be weed free and will be tested and approved by BLM prior to application.</li> </ul>
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In addition to the above conservation and mitigation measures, Project Design Features for access road use and maintenance, and site rehabilitation are included in Appendix 1.

## SURVEYS AND CONSULTATION

Surveys and/or consultation may be needed for special status plants and animals, for cultural resources, and other resources as necessary: (Initial and Date appropriate fields)

Surveys:	1) are completed	2) will be completed	3) are not needed
SS Plants	JW 9/1/04		
SS Animals	SW 9/1/04		
Cultural Resources	TC 9/1/04		
Other Surveys			
SS Animal Consultation			SW 9/1/04
Botanical Consultation			JW 9/1/04
Cultural Consultation	TC 9/1/04		
(SS = Special Status)			

### Summaries of Surveys and Consultation:

#### **Special Status Plants and Noxious Weeds**

A Special Status Vascular/Noxious Weed Plant Survey of the quarry site (T40S, R6E, S1, NW1/8) was conducted on August 14, 15, & 28, 2002 by Anne Barkdoll (BLM Temporary Botanist). The intuitive controlled method was used for the survey. The quarry site is comprised of small open areas and forested areas. There is an adjacent well vegetated riparian area but the proposed quarry expansion project area does not encroach on the riparian area. No special status plants were observed in the study area.

The forest community was mainly *Pinus ponderosa*, *Psuedotsuga menziesii*, *Abies concolor*, *Ceanothus velutinus*, *C. prostrates*, and *Purshia tridentata*. St. Johnswort (*Hypericum perforatum*), a noxious weed was observed throughout the riparian area. In some locations it was observed growing adjacent to the native *Hypericum formosum*. The native *Hypericum* is smaller than the exotic *hypericum* and tends to grow right at the waters edge. The exotic *Hypericum* grows on slightly drier microsites along the stream. If the exotic *Hypericum* is controlled in this area, it will be critical to distinguish between the native and exotic species during control operations.

#### **Special Status Animals**

Under the 2001 Survey and Manage Record of Decision (Northwest Forest Plan) there were three species

of terrestrial mollusks requiring pre-disturbance surveys within the Klamath Falls Resource Area. These species are likely to be listed under the BLM Special Status Species Program and Bureau Sensitive.

- Crater Lake Tightcoil (*Pristiloma arcticum crateris*)
- Evening Field Slug (*Deroceras hesparium*)
- Siskiyou Sideband (*Monadenia chaceana*)

Pre-disturbance mollusk surveys were conducted in the project area (T40S, R6E, S1) in FY2003 according to Survey and Manage protocol (Northwest Forest Plan Version 3.2003) and no terrestrial mollusks were found. In March 2004 Survey and Manage Mitigation Measure Standards and Guidelines were removed from the Northwest Forest Plan, however some species have been moved into Special Status Species Categories and must still be considered.

An active Osprey nest is located approximately 0.1 mile north of the proposed expansion area. In addition, there is suitable northern spotted owl (NSO) suitable habitat east of the existing disturbance area. The 1995 KFRA Record of Decision and Resource Management Plan states that some management activities within ¼ mile of known Osprey nest sites will be restricted between May 1 and August 1. On May 24, 2004, Amy Pfeiffer (ODOT Geologist), Maria Shepherd (ODOT Biologist), Susan Haupt (ODOT NEPA Coordinator) and Steve Hayner (BLM Biologist) participated in a teleconference to discuss quarry expansion activities that would be restricted between May 1 and August 31. Steve Hayner indicated that the Osprey nest has been there for five or six years and has been active for the last three years. After discussing the general activities that will take place during quarry expansion, Steve Hayner was most concerned about the required blasting that would initiate the quarry expansion. In order to avoid adverse impacts to the pair of ospreys, Steve stated that blasting would be prohibited between May 1 and August 31 if the nest is still occupied at that time, and requested that every effort be made to conduct all blasting prior to April 15<sup>th</sup>. Steve also requested that the stand of trees between the quarry and the nest will be left intact in order to keep the quarry out of direct line of sight from the nest. ODOT agreed to make every effort to conduct all blasting prior to April 15th and to keep the BLM informed of the blasting schedule. ODOT anticipates no more than two blasting events. ODOT also agreed to leave the stand of trees between the quarry and the osprey nest. A monitoring plan will be prepared by ODOT, in cooperation with the BLM, and will include observation of the osprey nest during required blasting and periodically throughout the nesting season.

One year of Northern Goshawk surveys were completed in 2003. Two years of surveys for Great Grey Owl were completed (2003 and 2004). Neither species was located.

### **Cultural Resources**

Prehistoric sites in the project vicinity tend to be few and sparse. The area surrounding Spencer Creek, including the areas surveyed for the April 2004 Cultural Resources report, was ceded to the United States by the Klamath Tribes via the 1864 Treaty of Klamath Lake. Although treaty rights are no longer federally recognized in the project area, the Klamath Tribes remain concerned about potential disturbance to cultural sites in their traditional homeland.

The entire project area was inspected for cultural resources (Sowles 1997) and no archaeological or historical sites were found within the area identified for quarry expansion. Survey methods consisted of BLM Class III standards using transects spaced no more than 30 meters apart. Intensive inspection was conducted in all high probability areas. If project activities result in the discovery of unknown cultural resources, all ground disturbing activities shall cease and the BLM's Klamath Falls Resource Area Archeologist and ODOT archaeologist shall be notified immediately. ODOT, the State Historic Preservation Office (SHPO), the Oregon State Museum of Anthropology (OSMA) and the BLM would work together within a framework of an established procedure to determine what steps to take to recover the data. Resumption of activities in that area will be allowed only after all mitigation fieldwork has been

conducted.

During construction, if human remains are found, the Oregon State Police, SHPO, OSMA, ODOT, and BLM would be contacted. If fossilized bones or other material of paleontological importance are found, OSMA would be notified for appropriate assessment, action and coordination with other state agencies, and the KFRA Archeologist shall be notified immediately. Resumption of activities in that area will be allowed only after all mitigation fieldwork has been conducted.

## SUMMARY OF FINDINGS and CX DETERMINATION

Based on the available information and a review by the interdisciplinary team, it is my determination that the proposed action does not constitute a significant impact affecting the quality of the human environment greater than those addressed in the Final Klamath Falls Resource Area Resource Management Plan and EIS. The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS). The proposed action has been reviewed against the criteria for an Exception to a categorical exclusion (listed above) as identified in 516 DM 2, Appendix 2, and does not meet any Exception. The application of this categorical exclusion is appropriate, as there are no extra ordinary circumstances potentially having effects that may significantly affect the environment. The proposed action is, therefore, categorically excluded from additional NEPA documentation.

In addition, to minimize any potential adverse effects from the proposed action, the preceding "Conservation and Mitigation Measures" and the following "Project Design Features" will be implemented.

Prepared By: Susan Haupt, ODOT NEPA Coordinator

Reviewed By: Don Hoffheins, BLM Planner/ Environmental Coordinator

Approved By: (Signature)	Name: Jon Raby 	BLM Resource Area Manager	Date: 7/1/04
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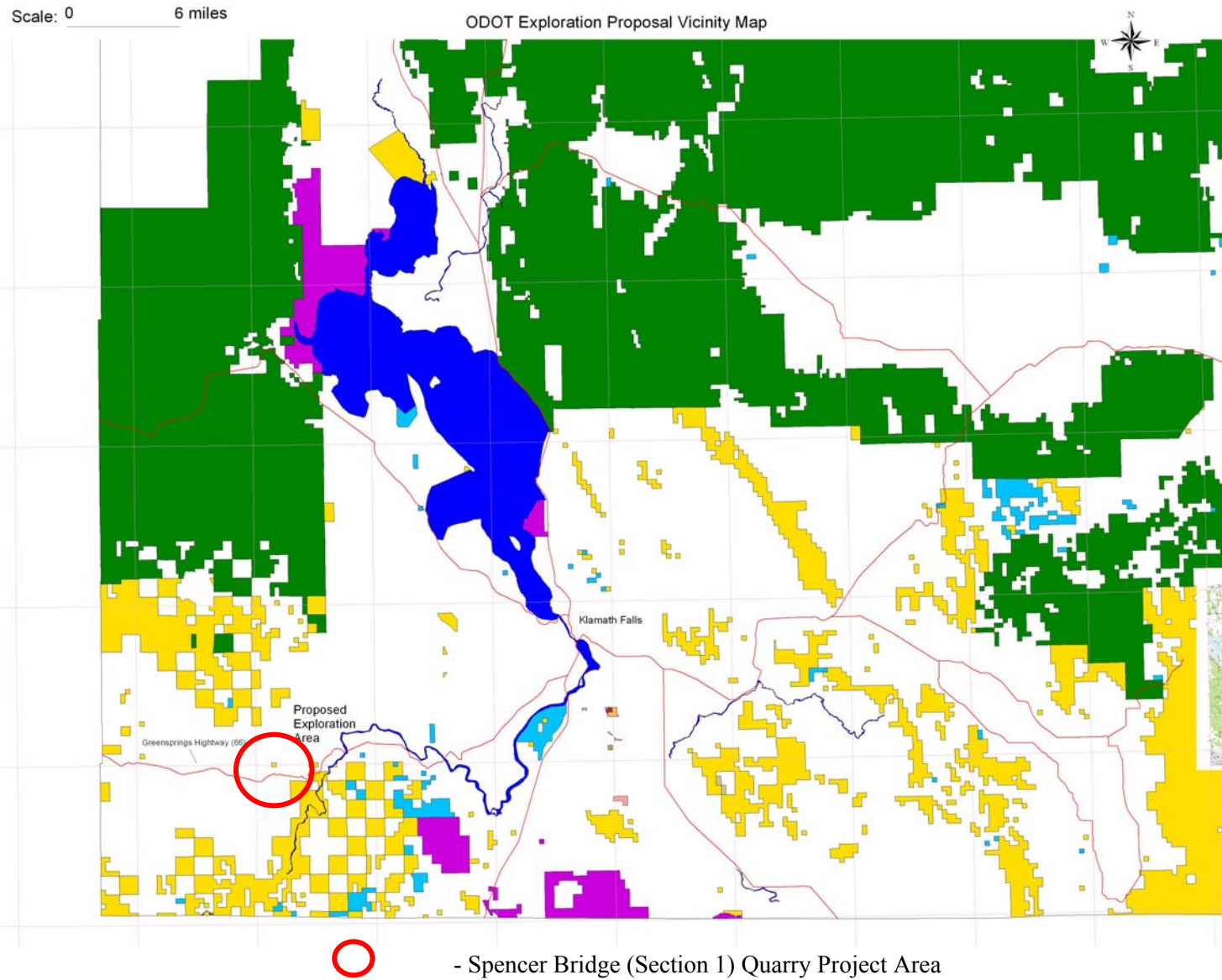
## **Appendix 1 - Project Design Features**

### **Access Road Use and Maintenance**

- ODOT must obtain an access agreement from the adjacent private landowner.
- Contractor shall leave the source haul road (source access road) open during use of the site.
- Contractor shall maintain the existing source access road from the developed portion of the quarry site to Oregon State Highway 66 with a reasonably uniform grade.
- If minor realignment or widening of the access road is required to accommodate the Contractor's operations, all activities related to the realignment or widening of the source access road must be reviewed and approved by the BLM. Routine road maintenance activities such as grading and watering of the source access road will not need prior approval from BLM.
- Upon project completion, the source access road will be regraded.

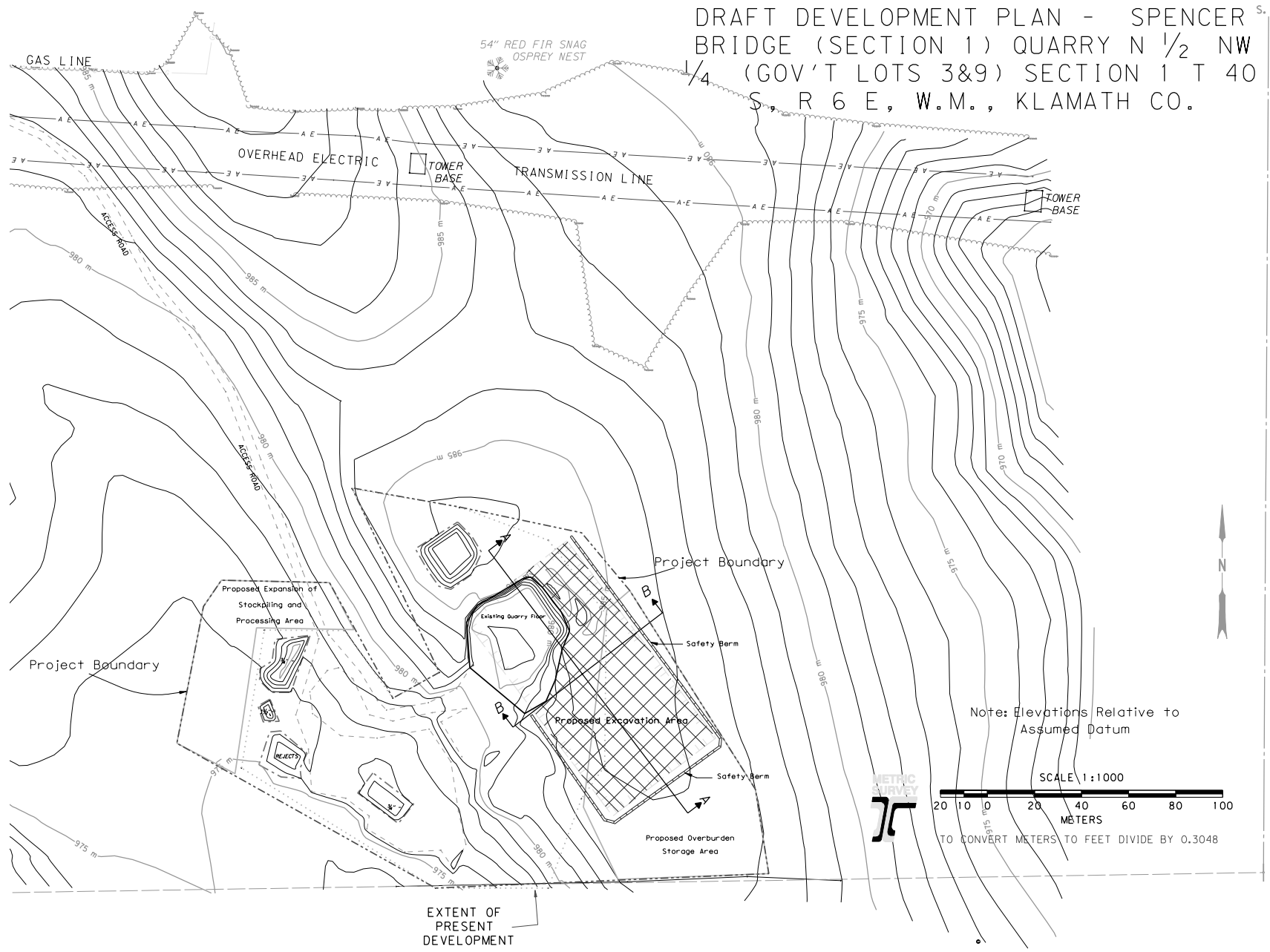
### **Site Rehabilitation**

- Prior to site abandonment, Contractor shall pile and burn all construction slash and combustible debris resulting from use and development of the source, even if preexisting. The only exception to this is grass and small shrubs incorporated into the overburden. Contractor shall comply with any and all open burning regulations in effect at the time of source occupancy. If burning is not allowed, this material becomes the property of the Contractor, to be treated as noncombustible and removed from BLM property.
- Upon completion of operations in the source, Contractor shall stabilize the utilized portion of the quarry site, in addition to other areas within the site disturbed by the Contractor's operations, by seeding, mulching, and tackifying, as directed by ODOT and BLM.
- Prior to site abandonment, Contractor shall remove all structures, noncombustible debris, and equipment from the site, even if preexisting. Bury nothing, with the exception of grass and small shrubs incorporated into the overburden.
- After work is completed, Contractor shall remove solid waste and hazardous material from the site and dispose of properly. These include, but are not limited to, bag-house sludge or fines, lime, excess asphalt, materials placed in sumps, and truck cleanings. Contractor shall provide documentary evidence of proper disposal and verify the amount of material removed to ODOT.
- Prior to site abandonment, ODOT will organize a post-work meeting with the BLM at the source to evaluate source rehabilitation work.

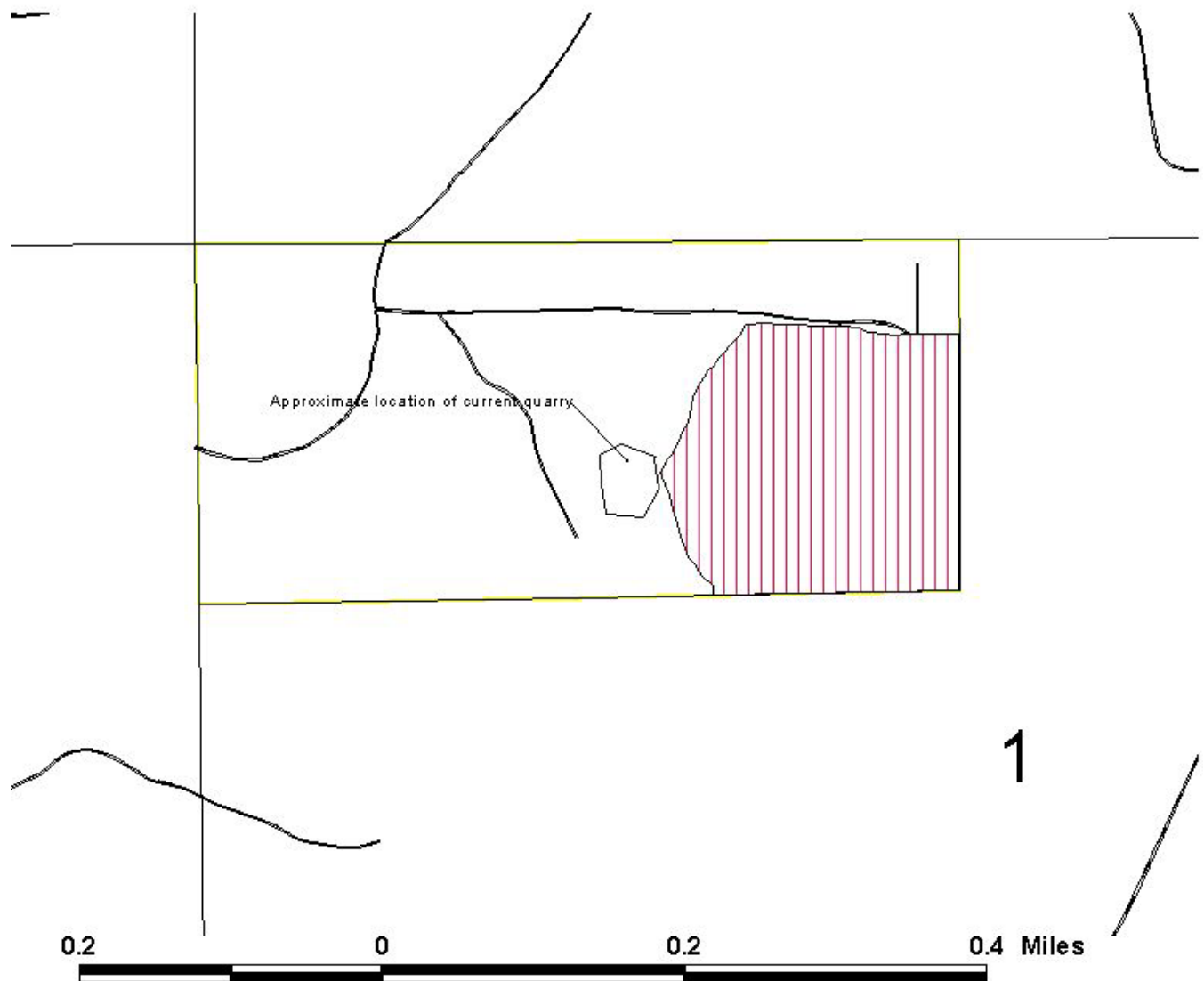




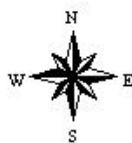
DRAFT DEVELOPMENT PLAN - SPENCER  
BRIDGE (SECTION 1) QUARRY N 1/2 NW  
1/4 (GOV'T LOTS 3&9) SECTION 1 T 40  
S, R 6 E, W.M., KLAMATH CO.



# spotted owl suitable habitat near proposed expansion of section 01 quarry



- Spotted Owl Suitable Habitat
- Section
- Roads
- Ownership
- BLM
- Private



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